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February 1, 2021

By ECF

Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Dorian Avery*, 13 Cr. 934 (JMF)

Dear Judge Furman:

I write in advance of the violation of supervised release hearing in the above-referenced matter currently scheduled for February 23, 2021. I respectfully request an adjournment of this matter to permit Mr. Avery's supervising probation officer to update the last request for action and sentencing recommendation which was filed February 3, 2015 (ECF No. 4). Since that filing, Mr. Avery's sentence of 71 months' imprisonment and 5 years' supervised release on the underlying matter on which the violation is predicated was reduced to 24 months' imprisonment on each count and a 3-year term of supervised release on each count to run concurrently on December 1, 2020. *See, United States v. Avery*, 4:00-cr-70-JBF, E.D.Va (ECF No. 33) (attached hereto).

I have been in touch with Mr. Avery's current and newly assigned probation officer, Daveena Tumasar. Understandably, she has had limited time to get acquainted with Mr. Avery and his status since his release. I can report that Mr. Avery has followed all her directives as well as those of the New York State Division of Community Services pursuant to the terms of his parole obligations. He is pursuing vocational training, employment opportunities, and drug counseling.

An adjournment of this matter to a date in May 2021 would permit Mr. Avery's probation officer to make an informed sentence recommendation to the Court based upon his progress post release. Additionally, Mr. Avery has expressed a desire to appear, if feasible, in person before Your Honor for sentence in this matter.

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The government does not oppose this application. However, Mr. Diskant anticipates that he will be out of the office on family leave on the proposed adjourned date but will make arrangements for a colleague to cover the matter.

Very truly yours,



James Roth, Esq.

cc: AUSA Edward Diskant
USPO Daveena Tumasar

Encls.

Application GRANTED. The sentencing is hereby ADJOURNED to May 27, 2021, at 3:00 p.m. The Clerk of Court is directed to terminate Doc. #28. SO ORDERED.



February 2, 2021

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA,

v.

DORIAN AVERY,

Defendant.

Criminal No. 4:00cr70

AGREED ORDER REGARDING MOTION FOR SENTENCE REDUCTION

Pending before the Court are motions by Defendant Dorian Avery for a reduction in his sentence based on the First Step Act of 2018, Pub. L., No. 115-391, 132 Stat. 5220. Having considered the Motions, which the United States does not oppose, and taking into consideration the factors of 18 U.S.C. § 3553(a), the Motions to Reduce (ECF Nos. 20, 26) is **GRANTED AS FOLLOWS**.

It is hereby **ORDERED** that Defendant's previously imposed sentence of 71 months' imprisonment on Counts 1 and 4 is reduced to 24 months' imprisonment, and the terms of supervised release on each count is reduced to three years, to run concurrently.

Determination of Guidelines Range (Count 1) (prior to any departures):

Original Sentencing

Amended

Offense Level: 25

Amended Offense Level: 15

Criminal History Category: I

Criminal History Category: I

Guidelines Range: 60 to 71 months

Amended Guidelines Range: 18 to 24 months

Sentence Relative to Amended Guidelines Range:

The reduced sentence is within the amended Guidelines range.

Except as provided above, all provisions of the January 29, 2001 Judgment (ECF No. 13) shall remain in effect. The Clerk is **REQUESTED** to forward a copy of this Order to defense counsel and the Assistant United States Attorney.

IT IS SO ORDERED.

December 1, 2020
Norfolk, Virginia

/s/
Arenda L. Wright Allen
United States District Judge